

## **HIV / AIDS**

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#### **Administration Against AIDS Discrimination Bill September 21, 1987**

##### **United Press International**

By Jan Ziegler

WASHINGTON The administration opposes a bill that would ban discrimination against people infected with the AIDS virus, boost funds for AIDS services and ensure confidentiality for those tested, Health Secretary Otis Bowen said Monday.

Although he said he was aware of instances of discrimination in housing, employment and other areas, Bowen said the government should not interfere with state efforts to eliminate that problem and others related to AIDS.

Testifying before a House subcommittee headed by Rep. Henry Waxman, D-Calif. -- a sponsor of the bill - Bowen also said the bill "would create a burdensome new federal administrative enforcement bureaucracy, which is not used to protect the rights of persons with any other disease or handicap. Accordingly, we do not support enactment of these provisions."

"We believe that if a state concludes that such additional protections are or are not in the interest of its people under the particular conditions of such state, then it should be free to act accordingly," he said.

White House spokesman Marlin Fitzwater, traveling with President Reagan to New York, said, "We oppose discrimination ... but we do believe the states probably have pre-emptive responsibility in this area."

Bowen said the budget has provided \$20 million extra for fiscal 1987 and a total of \$90 million in 1988 for AIDS antibody testing and counseling. States have contributed funds of their own.

"It is not clear at this time that such substantial funding beyond that is needed," he said.

He said there was no need for a federal law guaranteeing confidentiality of AIDS testing results since, "Most states already have statutes pertaining to the confidentiality of public health information."

Waxman's bill would provide an additional \$400 million a year to the AIDS budget for 1988, 1989 and 1990 for counseling and testing. It would also provide for a civil penalty of up to \$2,000 for the unauthorized disclosure of names or other information from AIDS antibody testing records.

The bill also prohibits discrimination against AIDS virus carriers in housing, public accommodations or government service.

Bowen said his Health and Human Services Department is working with state and territorial health officials to review confidentiality provisions in hopes of drafting model legislation each state could adapt to serve its own needs.

Department officials are also examining their own programs to recommend new ways under existing laws to prevent discrimination, he said.

"In sum, we do not believe that it is necessary to impose a federal presence in an area where states are actively working and experimenting unless we can propose a system that will not confuse the issue further," he said. "We do not think that federal intervention is necessary and are uncertain about what form that intervention would take."

Waxman, chairman of the House Energy and Commerce Committee's subcommittee on health and the environment, said AIDS is a national epidemic that requires national action. He also argued that only 29 states have confidentiality laws that would apply to AIDS, and that many do not have a substantial penalty for violation.